

OHIO

House

of

Representatives

JOURNAL

THURSDAY, APRIL 2, 2009

THIRTY-FIRST DAY

Hall of the House of Representatives, Columbus, Ohio
Thursday, April 2, 2009, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Pursuant to House Rule No. 23, the Clerk called the House to order.

Representative Slesnick was selected to preside under the Rule.

The journal of yesterday was read and approved.

INTRODUCTION OF BILLS

The following bills were introduced:

H. B. No. 119-Representative Snitchler.

Cosponsors: Representatives Huffman, Murray.

To enact section 9.601 of the Revised Code to authorize law enforcement agencies to provide law enforcement services to governmental entities in Ohio or other jurisdictions by contract or, in the absence of a contract, with the approval of the governing board of the providing agency.

H. B. No. 120-Representative Batchelder.

Cosponsors: Representatives Adams, J., Amstutz, Bacon, Baker, Balderson, Blair, Bulp, Burke, Combs, Daniels, Derickson, Evans, Gardner, Grossman, Hottinger, Huffman, Jones, Jordan, Lehner, Maag, Martin, McClain, McGregor, Mecklenborg, Morgan, Ruhl, Sears, Snitchler, Stebelton, Uecker, Wachtmann, Zehringer.

To amend sections 102.01, 103.13, 103.132, 103.143, 103.16, 103.17, 103.18, 103.20, 103.21, 103.23, 124.14, 126.02, 126.21, 3333.04, 3333.12, 3333.122, 3333.27, 3769.08, 3769.20, 4743.01, and 5120.51 and to enact sections 103.35 and 103.36 of the Revised Code to establish the Legislative Budget Committee and the Legislative Budget Office of the Legislative Service Commission.

H. B. No. 121-Representative Evans.

Cosponsors: Representatives Huffman, Mecklenborg, Amstutz, Hagan, Grossman, Harris, Hackett, Stebelton, Brown, Okey, Balderson, Williams, B., Ujvagi, Domenick.

To amend sections 2743.02 and 2744.01 and to enact section 4510.121 of the Revised Code to permit a person who is issued a ticket for operating a motor vehicle other than a commercial motor vehicle with an expired driver's or commercial driver's license to be issued a seven-day field driving permit.

H. B. No. 122-Representative Boyd.

To enact sections 3964.01, 3964.02, 3964.05 to 3964.07, 3964.10 to 3964.12, 3964.15 to 3964.17, 3964.21 to 3964.24, and 5111.0210 of the Revised Code to establish standards for physician designations by health care insurers.

Said bills were considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills be considered for the second time and referred to the following committees for consideration.

H.B. No. 93 - Representative Skindell, et al

TO REQUIRE BICYCLE OPERATORS AND PASSENGERS UNDER 18 YEARS OF AGE TO WEAR PROTECTIVE HELMETS WHEN THE BICYCLE IS OPERATED ON A ROADWAY AND TO ESTABLISH THE BICYCLE SAFETY FUND TO BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO ASSIST LOW-INCOME FAMILIES IN THE PURCHASE OF BICYCLE HELMETS.

To the committee on Public Safety and Homeland Security

H.B. No. 94 - Representative Skindell, et al

REGARDING PRESCRIPTION DRUG MARKETING DISCLOSURES.

To the committee on Health

H.B. No. 95 - Representative Skindell, et al

TO PROHIBIT A COURT FROM ORDERING A STATUTORY CHANGE OF NAME FOR A PERSON WHO HAS COMMITTED IDENTITY FRAUD OR WHO MUST REGISTER UNDER THE SORN LAW FOR HAVING COMMITTED A SEXUALLY ORIENTED OFFENSE OR CHILD-VICTIM ORIENTED OFFENSE.

To the committee on Judiciary

H.B. No. 96 - Representative Skindell, et al

TO REQUIRE THE INCLUSION OF A BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE.

To the committee on Public Safety and Homeland Security

H.B. No. 97 - Representative Zehringer, et al

REGARDING TEMPORARY FOOD SERVICE OPERATIONS.

To the committee on Local Government

H.B. No. 98 - Representative Combs, et al

TO PROVIDE NOTICE TO A LONG-TERM CARE FACILITY WHEN A TIER III OR SIMILAR CATEGORY SEX OFFENDER/CHILD-VICTIM

OFFENDER INDICATES AN INTENT TO RESIDE IN THE FACILITY OR REGISTERS AN ADDRESS WITHIN THE SPECIFIED GEOGRAPHICAL NOTIFICATION AREA INCLUDING THE FACILITY.

To the committee on Public Safety and Homeland Security

H.B. No. 99 - Representatives Weddington and Yates, et al

RELATIVE TO THE EXPANSION OF DNA TESTING FOR CERTAIN CONVICTED FELONS, THE ELIMINATION OF THE DNA TESTING MECHANISM FOR FELONS WHO PLEADED GUILTY OR NO CONTEST TO THE OFFENSE, THE COLLECTION OF DNA SPECIMENS FROM ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER WHO ARE ARRESTED FOR A FELONY OFFENSE, THE PRESERVATION AND ACCESSIBILITY OF BIOLOGICAL EVIDENCE IN A CRIMINAL OR DELINQUENCY INVESTIGATION OR PROCEEDING, THE IMPROVEMENT OF EYEWITNESS IDENTIFICATION PROCEDURES, AND THE ELECTRONIC OR AUDIO RECORDING OF CUSTODIAL INTERROGATIONS.

To the committee on Criminal Justice

H.B. No. 100 - Representative Dodd, et al

TO REVISE THE LAWS GOVERNING COAL MINING WITH REGARD TO THE IMPOSITION OF A PORTION OF THE SEVERANCE TAX ON COAL AND PERFORMANCE SECURITY AND RECLAMATION, AND TO DECLARE AN EMERGENCY.

To the committee on Agriculture and Natural Resources

H.B. No. 101 - Representative Miller, et al

TO CREATE THE SICKLE CELL ANEMIA ADVISORY COMMITTEE.

To the committee on Health

H.B. No. 102 - Representative Book, et al

REGARDING UMBILICAL CORD BLOOD DONATIONS.

To the committee on Health

H.B. No. 103 - Representatives Fende and Harwood, et al

TO INCREASE THE PENALTIES FOR CERTAIN OFFENSES WHEN A JUDGE OR MAGISTRATE IS THE VICTIM, TO PROHIBIT A PERSON FROM THREATENING A JUDGE OR MAGISTRATE, AND TO MAKE THE KILLING OF A JUDGE OR MAGISTRATE AN AGGRAVATING CIRCUMSTANCE FOR THE IMPOSITION OF THE DEATH PENALTY FOR AGGRAVATED MURDER.

To the committee on Judiciary

H.B. No. 104 - Representative Stibelton, Huffman

TO CODIFY FEDERAL RESTRICTIONS ON LOCAL ZONING OF THE ANTENNA STRUCTURES OF AMATEUR RADIO STATIONS AND PLACE THE BURDEN OF PROOF FOR COMPLIANCE ON THE ZONING AUTHORITY.

To the committee on Local Government and Public Administration

H.B. No. 105 - Representative Williams, S., et al

TO CREATE THE LUPUS EDUCATION AND AWARENESS PROGRAM AND TO MAKE AN APPROPRIATION.

To the committee on Finance and Appropriations

H.B. No. 106 - Representative Letson, et al

TO DESIGNATE MARCH AS "MACULAR DEGENERATION AWARENESS MONTH."

To the committee on State Government

H.B. No. 107 - Representative Jordan, et al

TO CREATE THE OIL AND GAS LEASING BOARD AND TO ESTABLISH A PROCEDURE BY WHICH THE BOARD MAY ENTER INTO LEASES FOR OIL AND GAS PRODUCTION ON LAND OWNED OR UNDER THE CONTROL OF A STATE AGENCY FOR THE PURPOSE OF PROVIDING FUNDING FOR CAPITAL AND OPERATING COSTS FOR THE AGENCY.

To the committee on Agriculture and Natural Resources

H.B. No. 108 - Representatives Domenick and Blessing, et al

TO INCREASE THE PENALTY FOR COCKFIGHTING.

To the committee on Agriculture and Natural Resources

H.B. No. 109 - Representatives Hottinger and Weddington, et al

TO REQUIRE THE REGISTRAR OF MOTOR VEHICLES TO DISQUALIFY THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE FROM OPERATING A COMMERCIAL MOTOR VEHICLE UPON A MUNICIPAL OVI CONVICTION.

To the committee on Transportation and Infrastructure

H.B. No. 110 - Representative Adams, J., et al

TO AUTHORIZE THE DIRECTOR OF NATURAL RESOURCES TO ISSUE PERMITS AND MAKE LEASES TO TAKE AND REMOVE NATURAL GAS AND OIL FROM UNDER THE BED OF LAKE ERIE.

To the committee on Agriculture and Natural Resources

H.B. No. 111 - Representative DeGeeter, et al

TO REDUCE, FROM FIFTEEN TO TEN, THE MINIMUM NUMBER OF DAYS FOR BIDDING WHEN A NONCHARTERED MUNICIPAL CORPORATION SELLS PERSONAL PROPERTY BY INTERNET AUCTION.

To the committee on Local Government and Public Administration

H.B. No. 112 - Representative Domenick, et al

TO AUTHORIZE A COURT THAT ISSUES A TEMPORARY PROTECTION ORDER IN SPECIFIED CRIMINAL CASES TO REQUIRE THE ALLEGED OFFENDER, AS A CONDITION OF PRETRIAL RELEASE, TO BE MONITORED BY A GLOBAL POSITIONING SYSTEM DEVICE AT THE ALLEGED OFFENDER'S EXPENSE.

To the committee on Criminal Justice

H.B. No. 113 - Representatives Foley and Blessing, et al

TO AUTHORIZE SCHOOL BOARDS, FOR ON-SITE RENEWABLE ENERGY GENERATION MEASURES AND IN THE SAME MANNER AS FOR ENERGY CONSERVATION MEASURES, TO ENTER INTO INSTALLMENT CONTRACTS SUBJECT TO SPECIFIED TERMS OF PAYMENT, TO PROVIDE THAT ENERGY CONSERVATION INSTALLMENT CONTRACTS ARE SUBJECT TO THOSE SAME TERMS, AND TO REQUIRE THAT AT LEAST TWENTY-FIVE PER CENT OF THE SCHOOLS IN THE STATE'S SCHOOL DISTRICTS HAVE A LONG-TERM SUPPLY OF SOLAR-SOURCED ELECTRICITY.

To the committee on Alternative Energy

H.B. No. 114 - Representative Miller, et al

TO RENAME CLEVELAND LAKEFRONT PARK AS STEPHANIE TUBBS JONES CLEVELAND LAKEFRONT PARK.

To the committee on Local Government and Public Administration

H.B. No. 115 - Representative Miller, et al

TO DESIGNATE SEPTEMBER 10 AS "STEPHANIE TUBBS JONES DAY."

To the committee on State Government

T. TODD BOOK
JOSEPH KOZIURA
BARBARA BOYD
TIMOTHY J. DEGEETER
MATT LUNDY

LOUIS W. BLESSING
JOHN ADAMS
WILLIAM G. BATCHELDER
KRIS JORDAN

Representative Yates moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills were considered the second time and referred as recommended.

Representative Koziura submitted the following report:

The standing committee on Rules and Reference to which was referred **H. B. No. 4**-Representatives Phillips, Garrison, et al., having had the same under consideration, recommends its re-referral to the committee on Finance and Appropriations.

RE: DISTANCE LEARNING

T. TODD BOOK
MATT LUNDY

JOSEPH KOZIURA
TIMOTHY J. DEGEETER

BARBARA BOYD
WILLIAM G. BATCHELDER
LOUIS W. BLESSING

KRIS JORDAN
JOHN ADAMS

The report was agreed to.

The bill was ordered to be engrossed and rereferred to the committee on Finance and Appropriations.

Representative Daniels submitted the following report:

The standing committee on State Government to which was referred **H. B. No. 63**-Representatives Letson, Fende, et al., having had the same under consideration, reports it back and recommends its passage.

RE: PERMITS GENERAL ASSEMBLY MEMBERS TO PERFORM CIVIL MARRIAGE CEREMONIES

RON GERBERRY
DALE MALLORY
BRIAN G. WILLIAMS
CHERYL GROSSMAN
CLIFF HITE

MATT LUNDY
ALLAN R. SAYRE
DAN STEWART
DAVE HALL

The following members voted "NO"

DAVID DANIELS

GERALD L. STEBELTON

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Stautberg submitted the following report:

The standing committee on Housing and Urban Revitalization to which was referred **H. B. No. 64**-Representative Pillich, et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

RE: MILITARY LEASE BILL

Representative Foley moved to amend the title as follows:

Add the names: "Stewart, Gardner, Jones, Stautberg, Blessing, Grossman."

Representative Blessing moved to amend as follows:

In line 159, delete "treble" and insert "double"

The motion was agreed to the bill so amended.

MIKE FOLEY
PETER STAUTBERG
TERRY BLAIR

EUGENE R. MILLER
NAN BAKER
LOUIS W. BLESSING

BARBARA BOYD
 RANDY GARDNER
 SHANNON JONES
 DAN STEWART
 ROLAND WINBURN

MATTHEW J. DOLAN
 CHERYL GROSSMAN
 CLAYTON LUCKIE
 PETER S. UJVAGI

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution and House Resolution be introduced and referred to the following committees for consideration:

H.C.R. No. 13 - Representative Jones, J. Adams, Amstutz, Balderson, Blair, Boose, Bubp, Derickson, Gardner, Goodwin, Grossman, Hite, Hottinger, Huffman, Jordan, Lehner, Maag, Mandel, Martin, Mecklenborg, Morgan, Sears, Stautberg, Uecker, Wagner, Wachtmann, Zehringer

TO URGE THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO OPPOSE THE FREEDOM OF CHOICE ACT IF INTRODUCED AGAIN DURING THE 111TH CONGRESS.

To the committee on State Government

Add the name: Batchelder

H.R. No. 32 - Representative Hagan, Goyal, Gerberry, Murray, Pillich, Williams, B., Yuko, Heard, Phillips, Book, Foley, Evans, Moran, Fende, Driehaus, Harwood, Mecklenborg, Domenick, Koziura, Chandler, Ujvagi, Newcomb, Skindell, Oelslager

TO CONDEMN THE PAYMENT OF \$165 MILLION IN EXECUTIVE BONUSES BY THE AMERICAN INTERNATIONAL GROUP AND DEMAND THAT AIG RETURN THE \$165 MILLION TO THE FEDERAL GOVERNMENT.

To the committee on State Government

/s/ TODD BOOK

Todd Book, Chair

Representative Yates moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolutions were introduced and referred as recommended.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has adopted the following concurrent resolution in which the concurrence of the House is requested:

S. C. R. No. 7 -Senator Schuler

Cosponsors: Senators Fedor, Miller, D., Morano, Sawyer, Coughlin, Gibbs, Harris, Kearney, Miller, R., Niehaus, Patton, Roberts, Schaffer, Schiavoni, Strahorn, Turner, Wagoner, Wilson, Smith

To designate the month of March 2009 as "Deep-Vein Thrombosis Awareness Month."

Attest:

Vincent L. Keeran,
Clerk.

Said concurrent resolution was referred to the committee on Rules and Reference under the Rule.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has passed the following bill in which the concurrence of the House is requested:

Sub. S. B. No. 5 -Senator Buehrer

Cosponsors: Senators Seitz, Carey, Coughlin, Faber, Fedor, Gibbs, Grendell, Harris, Hughes, Niehaus, Patton, Schaffer, Wagoner, Widener, Wilson, Smith, Turner, Schiavoni

To amend sections 175.01 and 175.04 and to enact sections 175.30 to 175.35 of the Revised Code to create the Grants for Grads Program.

Attest:

Vincent L. Keeran,
Clerk.

Said bill was considered the first time.

Message from the Speaker

Pursuant to Ohio Revised Code section 121.374, the Speaker hereby appoints the following members to the Ohio Family and Children First Cabinet Council Advisory Board:

Representatives Harris and Baker.

Message from the Speaker

Pursuant to S. B. No. 277, 126th General Assembly, the Speaker hereby appoints the following members to the National Statuary Collection Study Committee:

Representatives Letson, Yates and R. Adams.

On motion of Representative Yates, the House adjourned until Wednesday, April 8, 2009 at 11:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.